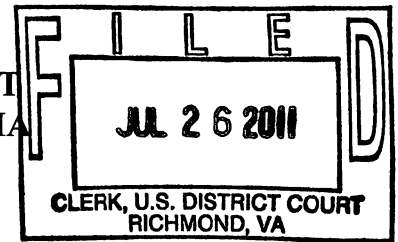


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



UNITED STATES OF AMERICA

V.

BAILEY DANIELS,

Petitioner.

Criminal No. 3:08cr133-HEH

ORDER

(Adopting Report and Recommendation and Denying 28 U.S.C. § 2255 Motion)

In accordance with the accompanying Memorandum Opinion, it is hereby ORDERED that: Daniels's objections are OVERRULED; the Report and Recommendation is ACCEPTED AND ADOPTED; the Motion to Vacate, Set Aside, or Correct the Sentence under 28 U.S.C. § 2255 (Dk. No. 61) is DENIED; the action is DISMISSED; and a certificate of appealability is DENIED.

Daniels may appeal the decision of the Court. Should he wish to appeal, written notice of appeal must be filed within sixty (60) days of the date of entry hereof. Failure to file a timely notice of appeal may result in the loss of the ability to appeal.

The Clerk is DIRECTED to send a copy of the Memorandum Opinion and Order to Daniels and counsel of record.

It is SO ORDERED.

/s/
HENRY E. HUDSON
UNITED STATES DISTRICT JUDGE

Date: July 25 2011
Richmond, Virginia